

**"Don't anybody try to make a break for it.
I can outrun any one of you. And heaven help you
if I catch you."
The gun was persuasive.**

Shoot-up in David Balfour Park: cops use bullets to arrest five

TORONTO — It was 11 o'clock on a quiet August evening and Don (not his real name) was on his way home from dinner with his family. He ran into his room-mate walking down St Clair Avenue; the two of them decided to wander down into David Balfour Park. Part of the way down the ravine the path forked. Don's room-mate headed off to one side while Don continued down the path. "I could see that there were people in a clearing below — but it was dark. I went to see what was going on — just curious."

No sooner had he joined the four men at the bottom of the path when there was a sudden burst of light and the sound of a gun firing — twice. "Metro police. Get on your stomachs. Anybody moves they get shot!" The warning was followed by the crack of another shot.

Tony (another pseudonym) was one of the men in the clearing. He remembers the series of events as clearly as Don does. Tony and the others were on the ground when the third shot was fired. The bullet whizzed past his ear. "It sounded really close. I could smell the gunpowder."

Both men could hear others fleeing the park. Don hoped his room-mate was among them. Tony, Don and three others were handcuffed together and led out of the park. As the cuffs were being fastened, one of the cops warned, "Don't anybody try to make a break for it. I can outrun any one of you. And heaven help you if I catch you."

The five were taken to 53 Division headquarters and charged with committing gross indecency and indecent acts. None of the men consulted lawyers at that time. Each was kept in a separate cell and statements were taken one at a time.

Tony says that when they arrived at the station, the cops were very agitated. "There was this big 'to-do' about signing certificates. I think they realized they were on thin ice — firing a gun like that — because they were nervous and upset. They obviously didn't know exactly what was happening. They kept asking us how many other men were down there. It was very dark. I didn't know myself."

The men were finally released at 6 am.

The August 28 police *Major News (Occurrences) Report* included the following item: "On August 26, 1980 at about 11:48 pm, five male suspects were observed committing indecent acts in David Balfour Park, Rosehill Avenue and Avoca Avenue. Seven other males were gathered around observing these actions. At this time the suspects approached the officer. The officer called for assistance to other patrolling officers, who were in the area. He then discharged his revolver into the ground which alerted two police officers who arrived on the scene. The seven on-lookers fled the scene. The above five

suspects were arrested and charged as shown."

The August 28 *Toronto Sun* reported all of the men's names and addresses, and claimed that plainclothes constable Richard Dionne "was forced to fire three shots into the ground early yesterday to summon help after he stumbled across 12 homosexuals having sex in a park." The *Sun* story said that a search was initiated as a result of neighbourhood complaints, and that the shots were fired "after one of the men threatened Dionne."

Two other men were arrested in Balfour Park early August 25, the night before the shooting incident. One of the men contacted *TBP*. He was slapped around by one of the cops, though he says it was a half-hearted effort. He was told by one of the arresting officers "we got six last night," and that "a lot of influential people live around here" as he gestured toward a block of condominiums on Avoca Avenue. One of the cops was Richard Dionne. Another officer at 53 Division told the man, "We don't like to do this. It's even worse when we have to stake out washrooms. But we have to follow orders."

Inspector J Oliver at 53 Division

refused to explain how his plainclothes officers were assigned to make the search of the park, or why, if there were complaints of lawbreaking, uniformed officers were not assigned to patrol the area. Inspector Oliver declined to answer "because the matter is before the courts," but these are not new questions.

There's nothing new, either, about plainclothes cops arresting men in parks and charging them with two offences (one of which, gross indecency, is a more serious crime) in the hope of plea-bargaining a guilty plea to the lesser charge in exchange for dropping the more serious one. Not new either are demands for uniformed officers in the park, because it is increasingly unsafe for anyone, particularly gay men, who might encounter gangs of straight kids intent on violence.

At the beginning of each shift, armed police officers are issued six numbered bullets, all of which must be accounted for at the end of the shift. A use-of-firearms report must be submitted to the chief of police every time a gun is fired. Staff Superintendent Coulis told *TBP* that Dionne's report had been investigated and that the investigation had been closed and then re-opened because new information came to light.

The new information came in the form of a suggestion from gay community activist George Hislop that they ought to talk to some of the accused in

this case. Coulis says the police are now planning to interview the five men.

The force's internal judicial system could penalize Dionne with anything from a reprimand to a dismissal if he is found guilty of misusing a firearm.

When confronted with the discrepancy between Dionne's account and the accounts of Don and Tony, Coulis hastened to explain that the stories were "only the perceptions of individuals who are naturally going to be influenced by self-interest. Witnesses are only able to report what they think they saw. People get together on stories."

Hislop said he intervened in the investigation because he was "angry at the incredible double standard these guys operate with. When straight couples are making out in the park the police are called in to chase them away, not to entrap or arrest them. If a gun had been fired in a suburban lovers' lane, there would have a real hue and cry raised. But the worst thing is the tragic and absolutely unnecessary fallout that comes of these things — men fired, suspended, black-listed, driven out of town. And that's exactly what has happened to most of those arrested in David Balfour. Their names appear in the paper the next morning and that's it."

Those arrested August 26 will appear in court September 16 to set a date for trial.

Chris Bearchell □

Board Chairperson Nelson's abstention on crucial vote means disbanding of subcommittee

Motion to curb school bias offsets trustees' scuttling of probe committee

TORONTO — The Toronto Board of Education's subcommittee to investigate formal liaison with the gay and lesbian community has voted to disband after only one meeting. Meanwhile, a compromise motion strongly opposing bias against gays in the school system is expected to be approved by the full board later in September.

The September 15 meeting of the subcommittee, chaired by Ward 6 trustee Bob Spencer, heard the testimony of a delegation of spokespeople from the gay and lesbian community as well as 27 largely fundamentalist Christian opponents of the proposal. At the end of the five-hour marathon of speakers and after several trustees had left for the evening, Michael Walker (Ward 10) made the surprise motion to dissolve the committee. He was supported by Alex Chumak (Ward 1) and opposed by Joan Doiron (Ward 6).

Board Chairperson Fiona Nelson continued her apparent efforts to sabotage the liaison committee in its early stages by abstaining in the crucial vote, as did Separate School representative Joe Sadowski.

Gay activist John Argue, whose efforts over the past 18 months have been largely responsible for advancing the issue to this stage, refused to see the ac-

tion as a major setback. "It's more harassment and annoyance than anything else," he told *TBP* at the end of the meeting. "In the School Programs Committee it will come up again and the subcommittee will be set up again. They've only delayed the process," he

said.

Argue was sharply critical of trustees Walker and Chumak, whom he saw as "trying to ingratiate themselves with the bigots." He also said that Chairperson Nelson's abstention was "irresponsible. It's insulting to people who are propos-



Trustee Spencer: Trying to understand logic of Bible bigotry

photo: Gerald Hannon